

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON BIRDTAIL, JR.,

Defendant.

CR-14-105-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 19, 2019. (Doc. 93.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 19, 2019. (Doc. 89.) The United States accused Birdtail of violating his conditions of supervised release by failing to participate in and successfully completing a program of substance abuse treatment and communicating or interacting with someone who is engaged in criminal activity. (Doc. 87.)

Birdtail admitted to allegations 1 and 2 at the revocation hearing. (Doc. 89.) The government did not attempt to prove alleged violation 3. Judge Johnston treated violations 1 and 2 as a single violation given that they involved the same conduct. Judge Johnston found that Birdtail's violations warrant revocation, and recommended that Birdtail be incarcerated for 10 months, with no supervised release to follow. (Doc. 93 at 4.) Birdtail waived his appeal rights and his right to allocute before the undersigned (Doc. 89.)

The violations prove serious and warrant revocation of Birdtail's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 93) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Jason Birdtail, Jr. be incarcerated for a term of 10 months, with no supervised release to follow.

DATED this 21st day of November, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. The signature is positioned above a horizontal line.

Brian Morris
United States District Court Judge

